## MERCHANT & GOULD P.C.

## **United States Patent Application**

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPTICAL ELEMENT, OPTICAL LENS, OPTICAL HEAD APPARATUS, OPTICAL INFORMATION APPARATUS, COMPUTER, OPTICAL INFORMATION MEDIUM PLAYER, CAR NAVIGATION SYSTEM, OPTICAL INFORMATION MEDIUM RECORDER, AND OPTICAL INFORMATION MEDIUM SERVER The specification of which a. X is attached hereto b. was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. (if any), which I have reviewed and for which I filed and as amended on solicit a United States patent. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed: a. no such applications have been filed. b. Such applications have been filed as follows: FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 COUNTRY **APPLICATION NUMBER** DATE OF FILING DATE OF ISSUE (day, month, year) (day, month, year) Japan 2002-340589 25 November 2002 ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) COUNTRY APPLICATION NUMBER DATE OF FILING DATE OF ISSUE (day, month, year) (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)		

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

## § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Altern, Allan G.  Reg. No. 40,274  Anderson, Gregg I.  Reg. No. 40,274  Reg. No. 22,868  Batzli, Brian H.  Reg. No. 32,960  Beard, John L.  Reg. No. 22,960  Beard, John L.  Reg. No. 43,296  Blackturn, Murrell W.  Reg. No. 43,496  Blackturn, Murrell W.  Reg. No. 51,488  McDonald, Daniel W.  Reg. No. 51,488  McDonald, Daniel W.  Reg. No. 41,633  McDonald, Daniel W.  Reg. No. 41,633  Muller, Donglas P.  Reg. No. 40,966  Brown, Jeffrey C.  Reg. No. 41,633  Muller, Donglas P.  Reg. No. 40,935  Bruess, Steven C.  Reg. No. 32,044  Pauly, Daniel M.  Reg. No. 46,935  Reg. No. 40,935  Reg. No. 40,633  Nelson, Anna M.  Reg. No. 46,935  Reg. No. 40,633  Nelson, Anna M.  Reg. No. 40,633  Reg. No. 40,633  Nelson, Anna M.  Reg. No. 40,633  Reg. No. 40,633  Nelson, Anna M.  Reg. No. 40,633  Re	Ali, M. Jeffer	Reg. No. 46,359		
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Cook, Jeffrey         Reg. No. 48,649         Pino, Mark J.         Reg. No. 43,858           Daignault, Ronald A.         Reg. No. 25,968         Qualey, Terry         Reg. No. 52,148           Daley, Dennis R.         Reg. No. 34,994         Randall, Joshua N.         Reg. No. 50,719           Daley, William J.         Reg. No. 25,471         Reich, John C.         Reg. No. 25,767           Davires Smith, Katherine M.         Reg. No. 28,707         Roath, Paul D.         Reg. No. 45,045           Diffetro, Mark J.         Reg. No. 28,707         Schmaltz, David G.         Reg. No. 45,045           Discotch, Matthew A.         Reg. No. 20,187         Schuman, Mark D.         Reg. No. 30,422           Epp Ryan, Sandra         Reg. No. 30,667         Scull, Timothy B.         Reg. No. 30,422           Epp Ryan, Sandra         Reg. No. 30,667         Scbald, Gregory A.         Reg. No. 42,137           Fitzsimmons, Karen A.         Reg. No. 50,470         Sebald, Gregory A.         Reg. No. 40,178           Gaffiney, Matthew M.         Reg. No. 46,717         Sorge, Keith M.         Reg. No. 40,178           Gaffiney, Matthew J.         Reg. No. 44,125         Stowart, Alan R.         Reg. No. 47,974           Golla, Charles E.         Reg. No. 26,896         Stoll-DeBell, Kirstin L.         Reg. No. 47,981	_			
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Doscotch, Matthew A.         Reg. No. 48,957         Schuman, Mark D.         Reg. No. 31,197           Edell, Robert T.         Reg. No. 29,187         Schumann, Michael D.         Reg. No. 30,422           Epp Ryan, Sandra         Reg. No. 39,667         Scull, Timothy B.         Reg. No. 42,137           Fitzsimmons, Karen A.         Reg. No. 50,470         Sebald, Gregory A.         Reg. No. 33,280           Gadiano, Christina M.         Reg. No. 46,717         Sorge, Keith M.         Reg. No. 40,178           Gaffney, Matthew J.         Reg. No. 44,125         Stewart, Alan R.         Reg. No. 47,974           Golla, Charles E.         Reg. No. 26,896         Stoll-DeBell, Kirstin L.         Reg. No. 47,981           Gorffredson, Garen J.         Reg. No. 44,722         Swenson, Erik G.         Reg. No. 47,981           Gould, John D.         Reg. No. 41,804         Trembath, Jon R.         Reg. No. 32,314           Gresson, Richard         Reg. No. 41,804         Trembath, Jon R.         Reg. No. 32,344           Gresson, John J.         Reg. No. 33,112         Tunheim, Marcia A.         Reg. No. 42,189           Haack, John L.         Reg. No. 29,165         Vidovich, Kristin K.         Reg. No. 42,189           Hamre, Curtis B.         Reg. No. 42,660         Welter, Paul A.         Reg. No. 33,044				
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Epp Ryan, Sandra         Reg. No. 39,667         Scull, Timothy B.         Reg. No. 42,137           Fitzsimmons, Karen A.         Reg. No. 50,470         Sebald, Gregory A.         Reg. No. 33,280           Gadiano, Christina M.         Reg. No. 37,628         Skoog, Mark T.         Reg. No. 40,178           Gaffney, Matthew M.         Reg. No. 46,717         Sorge, Keith M.         Reg. No. 50,865           Goggin, Matthew J.         Reg. No. 44,125         Stewart, Alan R.         Reg. No. 47,974           Golla, Charles E.         Reg. No. 26,896         Stoll-DeBell, Kirstin L.         Reg. No. 47,981           Gorman, Alan G.         Reg. No. 38,472         Sullivan, Timothy         Reg. No. 47,981           Gotfredson, Garen J.         Reg. No. 44,722         Swenson, Erik G.         Reg. No. 47,981           Gregson, Richard         Reg. No. 41,804         Trembath, Jon R.         Reg. No. 38,344           Gresens, John J.         Reg. No. 33,112         Tunheim, Marcia A.         Reg. No. 27,403           Haark, John L.         Reg. No. 36,154         Underhill, Albert L.         Reg. No. 27,403           Hamre, Curtis B.         Reg. No. 49,882         Wahl, John R.         Reg. No. 33,044           Hertzberg, Brett A.         Reg. No. 42,660         Welter, Paul A.         Reg. No. 52,361           Hor				
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Kelly, Zachary J.  Reg. No. 53,108  Xia, Tim Tingkang  Reg. No. 45,242  Kettelberger, Denise  Reg. No. 33,924  Zeuli, Anthony R.  Reg. No. 45,255  Keys, Jeramie J.  Reg. No. 42,724  Knearl, Homer L.  Reg. No. 21,197  Korver, Joshua W.  Reg. No. 51,894  Kowalchyk, Alan W.  Reg. No. 31,535  Kowalchyk, Katherine M.  Reg. No. 36,848  Lamberty, Michael  Reg. No. 50,760			<u>.                                    </u>	_
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Larson, James A. Keg. No. 40,443				
	Larson, James A.	keg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Signature of Inventor 201: Yoshiaki Komma					10 vember 17.2003	
	Full Name	Family Name	First Given Name		Second Given Name	
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Sign	ature of Inventor 2	03: Yasuhiro Tanaka		Date:	Vovember 17, 2003	